

MULTIMEDIA



UNIVERSITY

STUDENT IDENTIFICATION NO

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MULTIMEDIA UNIVERSITY

FINAL EXAMINATION

TRIMESTER 1, 2018/2019

BIR3084– INDUSTRIAL RELATIONS

(All sections / Groups)

22 OCTOBER 2018

9.00 a.m-11.00 a.m

(2 Hours)

INSTRUCTION TO STUDENT

1. This Question paper consists of **FOUR (4)** pages.
2. Attempt **ALL questions**. All questions carry equal marks and the distribution of the marks for each question is given.
3. Please write all your answers in the Answer Booklet provided.

SECTION A: CASE STUDY (40 Marks)

Read the following newspaper article and answer **ALL** questions.

Harmony and peace needed in workplace

Occupational or work-related stress can no longer be regarded as a problem which occurs occasionally or personally by an individual worker within the workplace or organisation the worker belongs to.

The issue has become an increasing global phenomenon affecting all categories of workers in every workplace in all countries including Malaysia. Though stress can be regarded as something normal faced by any workers in any industry, stress can also be generated unnecessarily in any workplace. This must and should be handled immediately without any delay by the management.

According to the World Health Organisation, occupational or work-related stress is the response people may have when presented with work demands and pressures that do not match their knowledge and abilities and which challenge their ability to cope. Stress can happen in a wide range of work circumstances, especially when workers feel that they received little or no support or help at all from the top management, their immediate supervisor or even their own colleague. Examples of occupational or work-related stress include facing punishment or penalties without receiving proper justification or being threatened with any unfair job termination or retrenchment, loss of wages, facing pay cuts, or losing benefits, or even exposing workers to any act, conduct or behaviour of unfairness, illegal conduct, or unethical behaviour within the workplace like bullying, harassment, discrimination and workplace conflict.

Any occupational or work-related stress issue must be tackled immediately as it will create a negative effect not only in the individual worker in terms of their physical, psychological and mental health, social life as well as family and personal relationships but also in the productivity and the reputation of the organisation.

Although there is no specific legislation which addresses occupational stress in Malaysia, the relationship between an employer and an employee is still governed by law, both under the law of contract and the law of tort. The matter can also be dealt with under existing labour laws like the Employment Act 1955, Industrial Relations Act 1967 and Occupational Safety and Health Act 1994. If matters become more serious, action may also be taken via criminal prosecution.

There is no one single solution to address occupational or work-related stress. A work-life balance policy within the workplace like implementing flexible working hours could help.

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Other measures include organising talks and seminars to educate workers on, for example, sexual harassment in the workplace. The employer plays a vital role in putting an end to the problem. Employers must focus on this matter seriously and create a harmonious and peaceful working environment in the workplace where all workers can come and work comfortably, free from unnecessary stress.

Source : Adapted from <https://www.thestar.com.my/opinion/letters/2017/05/02/harmony-and-peace-needed-in-workplace/>

- (i) Based on the above news statement explain in detail the provisions available under the Employment Act 1955 that can assist employees in handling occupational or work –related stress.

(15 marks)

- (ii) Evaluate the significance of a “tripartite industrial relations” in minimising workplace conflict.

(10 marks)

- (iii) With reference to the above statement, what would be your “recommendations” to employers in order to maintain harmony and peace at workplace.

(15 marks)

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SECTION B: ANSWER ALL QUESTIONS (60 marks)**QUESTION 1**

- (i) ABCD Bank Employees Union submitted their demands related to pay, bonus, working hours and other terms and conditions related to employment and non-employment conditions in 2016 to the management. However, the management of ABCD Bank has not responded to the demands of the union till date. The union leader Mr. Afandi and the members have decided to go on a strike. How would you advise Mr. Afandi and the members of ABCD Bank Employees Union to proceed with a strike with regard to the provisions stated under Industrial Relations Act 1967?

(10 marks)

- (ii) Define “collective agreement”. Outline **FOUR (4)** contents of a collective agreement according to Section 14 of the I.R. Act 1967.

(10 marks)

QUESTION 2

- (i) “Insubordination is where an employee wilfully disobeys or ignores an employer’s legitimate instructions. However, as is the case for employee misconduct in general, not all instances of insubordination will amount to just cause for an employer to dismiss an employee”. Based on your knowledge on industrial relations what would be your recommendations to employers to penalise employees guilty of misconduct before dismissal?

(10 marks)

- (ii) Outline the role, functions and powers of Industrial Court in relation to termination, dismissal and retrenchment.

(10 marks)

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QUESTION 3

Meridian Pharmaceutical Company is manufacturing generic drugs. The company was established on 30 August 2012. There are 109 employees working in the company and they are very much interested to form a trade union. Mr. Ali, a senior employee who is representing the employees of Meridian Pharmaceutical company seeks your advice on the following matters:

- (i) Procedures involved in applying for registration to the Director General of Trade Union.

(15 marks)

- (ii) The need for a registered trade union to obtain recognition from the employer.

(5 marks)

End of Question Paper